

that if the possession and trip limit is raised, the common pool fleet will reach approximately 88 percent of its quota by the end of the fishing year.

At the end of FY 2013, we will evaluate total common pool catch, and if the common pool fishery has exceeded its annual quota for any stock for FY 2013, we are required to deduct the overage from the respective common pool quota for FY 2014. Uncaught portions of the common pool's annual quota may not be carried over to the next FY. Weekly quota monitoring reports for the common pool fishery can be found on our Web site at: <http://www.nero.noaa.gov/ro/fso/MultiMonReports.htm>. We will continue to monitor common pool catch through VTRs, dealer-reported landings, VMS catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

The regulations require the Regional Administrator to close a trimester TAC area to the common pool fishery when 90 percent of the Trimester TAC for a stock has been caught. Updated catch information only recently became available indicating that the common pool fishery has caught over 90 percent of its Trimester 3 TAC for GB cod. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent the immediate closure of the GB cod Trimester 3 TAC area and reduction of trip limits, and would increase the likelihood that the common pool fishery would exceed its quota of GB cod, to the detriment of this stock.

Further, an overage of the Trimester 3 TAC would cause the common pool fishery to exceed its total annual quota for GB cod, which would trigger accountability measures in FY 2014. Overages would not only have negative economic impacts on the common pool fishery, but would also undermine the conservation objectives of the Northeast Multispecies Fishery Management Plan. As a result, immediate implementation of this action is necessary to help ensure

that the common pool fishery does not exceed its GB cod quota.

There is additional good cause to waive the delayed effective period because part of this action relieves restrictions on fishing vessels by increasing this possession and trip limit. The possession and trip limit increase for SNE/MA winter flounder reduces the probability of underharvesting for this stock. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent NMFS from implementing the necessary possession and trip limit adjustment for SNE/MA winter flounder in a timely manner, which could undermine management objectives of the NE Multispecies Fishery Management Plan, and cause negative economic impacts to the common pool fishery.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: April 4, 2014.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2014-07944 Filed 4-4-14; 4:15 pm]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 120814338-2711-02]

RIN 0648-BE10

#### Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; inseason adjustments to biennial groundfish management measures.

**SUMMARY:** This final rule announces an inseason change to management measures in the Pacific Coast groundfish fishery. This action, which is authorized by the Pacific Coast Groundfish Fishery Management Plan (PCFMP) and the Northern Pacific Halibut Act, implements changes to the incidental retention allowance for halibut in the limited entry fixed gear sablefish primary fishery.

**DATES:** Effective 1200 hours (local time) April 8, 2014.

#### FOR FURTHER INFORMATION CONTACT:

Gretchen Hanshew (West Coast Region, NMFS), phone: 206-526-6147, [gretchen.hanshew@noaa.gov](mailto:gretchen.hanshew@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

This final rule is accessible via the Internet at the Office of the Federal Register's Web site at <http://www.gpo.gov/fdsys/search/home.action>. Background information and documents are available at the Pacific Fishery Management Council's Web site at <http://www.pcouncil.org/>.

##### Background

The PCGFMP and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subparts C through G, regulate fishing for over 90 species of groundfish off the coasts of Washington, Oregon, and California. Groundfish specifications and management measures are developed by the Pacific Fishery Management Council (Council), and are implemented by NMFS.

The International Pacific Halibut Commission (IPHC) establishes total allowable catch (TAC) amounts for Pacific halibut each year in January. Under the authority of the Northern Pacific Halibut Act, and implementing regulations at 50 CFR 300.63, a catch sharing plan, developed by the Council and implemented by the Secretary, allocates portions of the annual TAC among fisheries off Washington, Oregon, and California.

Pacific halibut is generally a prohibited species for vessels fishing in Pacific coast groundfish fisheries, unless explicitly allowed in groundfish regulations and authorized by the Pacific halibut catch sharing plan.

In years where the Pacific halibut TAC is above 900,000 lb (408.2 mt), the catch sharing plan for Pacific halibut fisheries in Area 2A (waters off the U.S. West coast) allows the limited entry fixed gear sablefish primary fishery an incidental total catch allowance for Pacific halibut north of Pt. Chehalis, WA (46°53.30' N. lat.). The 2014 Pacific halibut Area 2A TAC is 960,000 lb (435.45 mt). Therefore, consistent with the provisions of the catch sharing plan, the limited entry fixed gear sablefish primary fishery is allowed an incidental total catch limit of 14,274 lb (6,474 kg) for 2014.

Historically, incidental halibut retention in the primary sablefish fishery has started in May. In the fall of 2012, the Council expressed interest in changing the starting date for halibut retention to the beginning of April, to reduce the amount of incidentally

caught halibut that would be discarded prior to May. This change could not be implemented in 2013 because it required a change to the IPHC's regulations regarding the application date for submitting license applications. At its annual meeting in January 2014, the IPHC changed its license application deadlines so that individuals wishing to retain halibut in the sablefish primary fishery could receive their IPHC licenses prior to the commencement of the fishery (March 12, 2014, 79 FR 13906). Therefore, NMFS is now issuing this inseason change to the groundfish regulations to allow for incidental halibut retention starting in April.

Changing the starting date of halibut retention is expected to result in improved access to the halibut quota for this fishery. Total catches in 2012 and 2013 were well below the allocations for those years. The 2014 total catch limit is lower than what has been available to the sablefish primary fishery in recent years (2012–13). However, total catches in 2012 and 2013 were well below the new, lower, 2014 allocation. In 2012 total catch of Pacific halibut in the sablefish primary fishery was only 4,400 lb (1,996 kg) and the 2013 total catch was 12,000 lb (5,443 kg). NMFS notes that, given the recent total catch levels, liberalizing the incidental catch restrictions is anticipated to allow total catch of Pacific halibut to approach, but not exceed, the 2014 allocation for the sablefish primary fishery.

The Council considered the dates and catch ratio established in the groundfish regulations at 50 CFR 660.231 at its first opportunity following the IPHC's decision to change its license application deadline and its decision on the 2014 TAC, the March 2014 meeting. The Council considered options to: Increase the amount of time the incidental catch ratio in the sablefish primary fishery is in effect; and whether or not to revise the catch ratio. These options were developed to allow incidentally caught halibut to be retained, while keeping total catch below the 2014 Pacific halibut allocation. Because catches in 2012 (4,400 lbs) and 2013 (12,000 lbs) were below the allocation for 2014 (14,274 lbs), the Council recommended maintaining the 2013 catch ratio in 2014 with a one month earlier start date, (April 1 rather than May 1).

In order to allow incidental halibut catch in the sablefish primary fishery to begin on April 1, rather than May 1, the Council recommended and NMFS is implementing incidental halibut retention regulations at 50 CFR 660.231 (b)(3)(iv) to allow the catch ratio of "75 lb (34 kg) dressed weight of halibut for

every 1,000 pounds (454 kg) dressed weight of sablefish landed and up to 2 additional halibut in excess of the 75-pounds-per-1,000-pound ratio per landing" to be in effect "From April 1 through October 31."

The retention limits for halibut were not revised as part of the 2013–2014 harvest specifications and management measures because the Pacific halibut TAC is developed each year based on the most current scientific information, and the TAC for 2014 was not determined until the IPHC meeting in January, 2014.

#### Classification

This final rule makes routine inseason adjustments to groundfish fishery management measures, based on the best available information, consistent with the PCGFMP and its implementing regulations. The adjustment to the halibut incidental catch restrictions in the limited entry fixed gear sablefish primary fishery is taken under the authority of the Magnuson Stevens Act, based on actions taken under the Northern Pacific Halibut Act and implementing regulations, and is consistent with the approved catch sharing plan.

This action is taken under the authority of 50 CFR 660.60(c) and is exempt from review under Executive Order 12866.

The aggregate data upon which these actions are based are available for public inspection at the Office of the Administrator, West Coast Region, NMFS, during business hours.

For the following reasons, NMFS finds good cause to waive prior public notice and comment on the revisions to groundfish management measures under 5 U.S.C. 553(b) because notice and comment would be impracticable and contrary to the public interest. Also, for the same reasons, NMFS finds good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective April 8, 2014.

As described above, this inseason action is based on information that became available very recently. The changes to the incidental halibut retention in the sablefish primary fishery north of Pt. Chehalis, WA (46°53.30' N. lat.), and the subsequent proposed management measure changes are based in part on decisions made by the IPHC at its January 2014 meeting. At that meeting, the IPHC determined the 2014 halibut TAC based on the most current scientific information regarding the status of the halibut stock, and changed its licensing deadline to accommodate an earlier start date for

retention of incidentally caught halibut in the sablefish primary fishery. Based on those actions, the Council made its final recommendations at its March 8–13, 2014 meeting. The Council considered the public comments on this matter and recommended that these changes be implemented by April 1, 2014. There was not sufficient time after that meeting to complete notice and comment rulemaking before these changes need to be in effect. For the actions to be implemented in this final rule, affording the time necessary for prior notice and opportunity for public comment would prevent NMFS from managing fisheries using the best available science to approach, without exceeding, allocations accordance with the PCGFMP, the Northern Pacific Halibut Act, and other applicable laws. The adjustments to management measures in this document affect commercial fisheries off Washington State. These adjustments to management measures must be implemented in a timely manner, by April 1, 2014 or as quickly as possible thereafter, to allow incidental catch of halibut in the sablefish primary fishery, reducing regulatory discards, while keeping total catch below the 2014 halibut Area 2A allocation.

No aspect of this action is controversial, and changes of this nature were anticipated in the biennial harvest specifications and management measures established for 2013–2014.

Accordingly, for the reasons stated above, NMFS finds good cause to waive prior notice and comment and to waive the delay in effectiveness.

#### List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian fisheries.

Dated: April 4, 2014.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

#### PART 660—FISHERIES OFF WEST COAST STATES

- 1. The authority citation for part 660 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

- 2. In § 660.231, paragraph (b)(3)(iv) is revised to read as follows:

#### § 660.231 Limited entry fixed gear sablefish primary fishery.

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(iv) *Incidental halibut retention north of Pt. Chehalis, WA (46°53.30' N. lat.)*. From April 1 through October 31, vessels authorized to participate in the sablefish primary fishery, licensed by the International Pacific Halibut Commission for commercial fishing in Area 2A (waters off Washington, Oregon, California), and fishing with longline gear north of Pt. Chehalis, WA (46°53.30' N. lat.) may possess and land up to the following cumulative limits: 75 lb (34 kg) dressed weight of halibut for every 1,000 pounds (454 kg) dressed weight of sablefish landed and up to 2 additional halibut in excess of the 75-pounds-per-1,000-pound ratio per landing. "Dressed" halibut in this area means halibut landed eviscerated with their heads on. Halibut taken and retained in the sablefish primary fishery north of Pt. Chehalis may only be landed north of Pt. Chehalis and may not be possessed or landed south of Pt. Chehalis.

\* \* \* \* \*

[FR Doc. 2014-07982 Filed 4-8-14; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 130925836-4174-02]

RIN 0648-XD182

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by catcher/processors using hook-and-line gear in

the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2014 Pacific cod total allowable catch apportioned to catcher/processors using hook-and-line gear in the Central Regulatory Area of the GOA.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), April 4, 2014, through 1200 hours, A.l.t., September 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2014 Pacific cod total allowable catch (TAC) apportioned to catcher/processors using hook-and-line gear in the Central Regulatory Area of the GOA is 1,603 metric tons (mt), as established by the final 2014 and 2015 harvest specifications for groundfish of the GOA (79 FR 12890, March 6, 2014).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2014 Pacific cod TAC apportioned to catcher/processors using hook-and-line gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,573 mt and is setting aside the remaining 30 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional

Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher/processors using hook-and-line gear in the Central Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod by catcher/processors using hook-and-line gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of April 3, 2014.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: April 4, 2014.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2014-07948 Filed 4-4-14; 4:15 pm]

BILLING CODE 3510-22-P